In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No.731 of 2007 (O&M)
Decided on February 09,2007

United India Insurance Company Limited --- Petitioner

vs.

Kora Devi and others --- Respondents.

Present: Mr. Ravinder Arora, Advocate,for the petitioner

Pritam Pal,J:(Oral)

This Civil Revision by United India Insurance Company, is against order dated October 25, 2006,whereby an application moved under Order 9 Rule 13 of Code of Civil Procedure,for setting aside ex-parte order dated September 18,2004, was accepted.

Without going into any further details, suffice it to say that in a claim petition filed under the Motor Vehicles Act, driver and owner of the offending vehicle had failed to appear before the learned Tribunal on September 18,2004 and,thereafter, an ex-parte award dated September 22,2004 was passed in favour of the claimants. Before the learned Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal'), the claimants did not contest the application. However, the petitioner, with whom the offending vehicle, was insured, had contested. The application for setting aside the ex-parte award was filed within time.

It is fairly admitted by learned counsel for the petitioner that the offending vehicle was duly insured at the time of alleged occurrence. It is observed by the learned Tribunal that learned counsel of driver and

owner of the offending vehicle had noted down a wrong date on his brief and on that count, he could not appear before the learned Tribunal, on September 18,2004, the date fixed. Thus, taking an over all view of the facts and circumstances of this case, I find no illegality or impropriety in the impugned order. Hence, this Civil Revision stands dismissed in *limine*.

February 09,2007 (Pritam Pal)
RR Judge